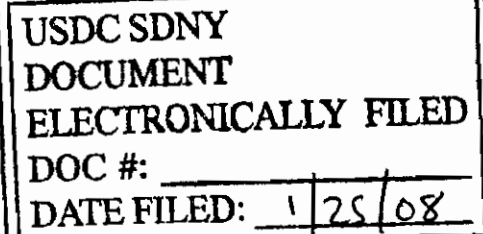


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
LEROY DORSEY,

Plaintiff,

-v-

N.Y.S. OFFICE OF MENTAL HEALTH; JOHN
DOE, EMPLOYEE, STAFF CHIEF, SING SING
CORR.; JANE DOE, EMPLOYEE,
RECEPTIONIST, SECRETARY, SING SING
CORR.,

Defendants.

07 Civ. 11312 (DLC)

ORDER

-----X
DENISE COTE, District Judge:

Plaintiff initiated this action by filing a complaint on July 20, 2007. Following screening by the Pro Se Office, the case was assigned a docket number on December 17, and was assigned the same day to this Court. By letter dated January 14, 2008, plaintiff requested this Court's assistance in identifying the "John Doe" and "Jane Doe" named as defendants in the action. Plaintiff has not yet served the New York State Office of Mental Health with the summons and complaint.

As a general principle, a plaintiff cannot maintain a suit against a tortfeasor unless he can identify that tortfeasor. Valentin v. Dinkins, 121 F.3d 72, 75 (2d Cir. 1997) (per curiam). This rule has been relaxed, however, in actions brought by pro se litigants, because these litigants, especially those who are incarcerated, are unable to carry out full pretrial

investigations. Id. For this reason, pro se litigants are entitled to assistance from the district court in identifying a defendant. Id. at 76. See also Spencer v. Doe, 139 F.3d 107, 114 (2d Cir. 1998). In this case, the plaintiff has made clear that he requires such assistance. Accordingly, it is hereby

ORDERED that plaintiff shall serve the New York State Office of Mental Health and the New York State Department of Correctional Services, State Office Campus, Building 2, Albany, NY 12226, with the summons and complaint no later than February 22, 2008.

IT IS FURTHER ORDERED that the Office of Mental Health and the Department of Correctional Services shall ascertain the identity of the defendants whom plaintiff seeks to sue here and, if they can be identified, the Office of Mental Health and the Department of Correctional Services shall ascertain the address where the defendants may be served. The Office of Mental Health and the Department of Correctional Services shall report to the plaintiff and the Court on whether the defendants can be identified and, if so, where they may be served by no later than thirty days from receipt of the summons and complaint.

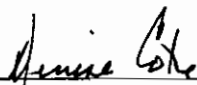
IT IS FURTHER ORDERED that upon receiving information regarding the identities and addresses of the defendants, the plaintiff shall file an amended complaint naming the defendants

by April 25, 2008. The plaintiff shall serve the summons and amended complaint on the defendants by June 27, 2008.

IT IS FURTHER ORDERED that should the plaintiff require further assistance, he shall direct such inquiries to the Pro Se Clerk's Office at 500 Pearl Street, Room 230, New York, NY 10007.

SO ORDERED:

Dated: New York, New York
January 25, 2008



DENISE COTE
United States District Judge

Copy sent to:

Leroy Dorsey
No. 97-A-3442
Woodbourne Correctional Facility
99 Prison Road, P.O. Box 1000
Woodbourne, NY 12788